

EP 749 Sub 1

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This is to register a further comment on the subject docket item entitled "Limiting Extensions of Trail Use Negotiating Periods". I understand that the comment period has been extended to July 8, 2019 due to a modification in the rule.

While I agree with the provision for three one-year extensions of NITUs, I do not agree with the allowance of further one-year extensions for "good cause". That leaves the door open for further abuse of the extension rule as been seen in the past, where trails groups and railroads have continued to leave adjacent property owners with reversionary rights in limbo by simply arguing that more time is needed, when in fact the negotiation process has been stalled or is not proceeding in a timely manner. The provision for "good cause" should be replaced by the provision for extensions only under "extraordinary circumstances", and the STB should enforce the more strict discipline on the negotiation process that this implies.